

**REMARKS**

Independent claims 1, 4, and 13 stand rejected under 35 USC 103(a) as unpatentable over Zigmond in view of Bedard. Applicants have amended independent claims 1, 4, and 13 to better describe the real-time and near real-time capabilities of the claimed invention. The claims as amended recite simultaneously receiving or transmitting a plurality of video segments and selecting one of the video segments based on affinity data transmitted to a remote computer during at least one of the video segments. Applicants submit that none of the references cited by the Examiner teach these features.

Zigmond is generally directed to insertion of targeted advertising. Zigmond describes the use of a feedback channel for receiving viewer response information which can then be used as part of a rules-based advertisement selection process. However, Zigmond does not describe a system capable real-time or near real-time operation. Zigmond, at col. 9, lines 48-55, describes that viewer response information is compiled in a statistics collection location and is periodically sent to a clearinghouse where the information may be aggregated and made available interested parties. Zigmond does not describe a system that can transmit or receive viewer reaction input to a video segment during the transmission of the segment so that a signal can be selected in real-time or near real-time.

Bedard describes an electronic program guide (EPG) that operates in conjunction with a viewer profile. The viewer profile of Bedard is used for monitoring a viewer's viewing behavior and storing viewer preferences. The preference data can then be used to determine preferred categories of programming and preferred channels and the EPG can be configured to provide fast access to the preferred programming. However, applicants submit that there is also no disclosure in Bedard of a system that can transmit or receive viewer reaction input to a video segment during the transmission of the segment so that a signal can be selected in real-time or near real-time.

The specification further describes the manner in which the claimed invention can be used in real-time and near real-time environments. Multiple video feeds, multiple audio feeds, and/or multiple data feeds can be received at a head-end. The head-end can analyze feedback data and automatically select certain video, audio, and/or data feeds for transmission based upon the feedback information provided over a two-way broadcast system. Thus, a viewer can experience automatically customized content that reflects the user's preferences. (See pages 10-11 of the specification.) The specification further describes, at page 9, that the affinity data can be used for selecting one feed from among several in a live televised event and, at page 12, that the selection of a certain feed can be made at the head-end or at the user terminal. The specification describes at pages 9 and 15 that triggers can be provided in the broadcast stream or other upstream source.

Additional advantages of the real-time or near real-time system described in the application and not taught by the prior art include changing the content of the programming by branching to alternative segments, providing different viewing angles of the content, altering approaches during political debates, and quickly removing advertising. (See page 4.)

Applicants respectfully submit that the subject matter of the independent claims as amended is neither disclosed nor suggested by the cited references, and hereby solicit an early action allowing claims 1, 4, 13, and those dependent thereon.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief, including extensions of time, and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952, referencing docket no. 577172000200.

Dated: October 25, 2005

Respectfully submitted,

By 

James M. Denaro

Registration No.: 54,063

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 300

McLean, Virginia 22102

(703) 760-7739